

REMARKS

I. Introduction

Claims 7 to 12 are pending in the present application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

II. Rejection of Claims 7 to 12 Under 35 U.S.C. § 102(b) ("Potschin et al.")

Claims 7 to 12 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,142,443 ("Potschin et al."). It is respectfully submitted that Potschin et al. do not anticipate these claims for at least the following reasons.

Claim 7 relates to a fuel injector including: a housing; a valve-seat surface; a valve needle; a valve-closure member situated in the housing and cooperating with the valve-seat surface to form a sealing seat; one of a piezoelectric and magnetostrictive actuator which actuates the valve-closure member; and an hydraulic coupler having a downstream recess in which one end of the valve needle is engaged in a pivotable manner.

Although Applicant may not agree with the merits of the rejection, to facilitate matters, claim 7 has been amended to recite, in relevant part, that **the valve needle is formed in one piece**. Support for this amendment may be found, for example, in Figure 1.

Potschin et al. do not disclose, or even suggest, a fuel injector including, inter alia, a valve needle and an hydraulic coupler having a downstream recess in which one end of the valve needle is engaged in a pivotable manner, where the valve needle is formed in one piece. In Fig. 9, Potschin et al. do show a piston (25), which includes a valve seat (75) having an approximately conical surface and opening out into a leakage fluid chamber (59). In addition, a spherical closing body (74) engages with the valve seat (75) and is in operative contact with a shaft (27) downstream from the valve seat (75). However, **the shaft (27) and the spherical closing body (74), both of which the Office Action considers to constitute a valve needle, are two different parts urged together by the force of a spring (68) on piston (25) and are therefore not formed in one piece.**

Accordingly, it is respectfully submitted that Potschin et al. do not anticipate claim 7 for at least these reasons.

As for claims 8 to 12, which ultimately depend from claim 7 and therefore include all of the features of claim 7, it is respectfully submitted that Potschin et al. do not anticipate these dependent claims for at least the reasons set forth above.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

III. Rejection of Claims 7 to 12 Under 35 U.S.C. § 102(b) (“Hardy et al.”)

Claims 7 to 12 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,390,385 (“Hardy et al.”). It is respectfully submitted that Hardy et al. do not anticipate these claims for at least the following reasons.

As regards claim 7, Hardy et al. do not disclose, or even suggest, a fuel injector including, inter alia, a valve needle and an hydraulic coupler having a downstream recess in which one end of the valve needle is engaged in a pivotable manner, where the valve needle is formed in one piece. Hardy et al. do describe a fuel injector, which includes a piezoelectric stack (40) having an end member (48). The end member (48), which the Office Action considers to constitute a hydraulic coupler, sealingly contacts a load transmitting member (28) to form an enclosed volume (50). The load transmitting member (28) is acted upon by a compression spring (30), which, in turn, acts upon a valve needle (12) via a pin member (32). However, **an enlarged region (12a) and load transmitting member (28), both of which the Office Action considers to constitute a valve needle, are two different parts interacting via spring (30) and pin member (32) and are therefore not formed in one piece.** Accordingly, it is respectfully submitted that Hardy et al. do not anticipate claim 7 for at least these reasons.

As for claims 8 to 12, which ultimately depend from claim 7 and therefore include all of the features of claim 7, it is respectfully submitted that Hardy et al. do not anticipate these dependent claims for at least the reasons set forth above.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

IV. Conclusion

In light of the foregoing, Applicants respectfully submit that all pending claims are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,

Dated: November 7, 2008

By: /Clifford A. Ulrich, Reg. No. 42,194/

Clifford A. Ulrich

for Gerard A. Messina (Reg. No. 35,952)

KENYON & KENYON LLP
One Broadway
New York, New York 10004
Telephone: (212) 425-7200
Facsimile: (212) 425-5288
CUSTOMER NO. 26646